IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE M.H.S. ANSARI

WRIT PETITION No.8715 of 1995

Between:

P. Raja Reddy, S/o. P. Muna Swamy Reddy,

Supervisor for Guest Houses,
University of Hyderabad.

..... PETITIONER

AND

1.Sri Venkateswara University,

rep. by its Registrar Tirupati, Chittoor Dist.
2.Sri K. Ranganadha Babu,

Registrar, S.V.University, Tirupati.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction particularly a Writ of Mandamus, declaring the circular issued by the 1st respondent No. E1.2/95 dated 13.4.1995 as illegal, arbitrary and unconstitutional and consequently direct the respondents to appoint the petitioner as Asst. Public Relations Officer, selected pursuant to the 1st advertisement No. E1 (2)/94, dated 20-1-1994.

Counsel for the Petitioner: Mr.M.SREERAMULU REDDY

Counsel for the Respondents : Mr. P.SREERAMULU NAIDU

(Not present)

The Court made the following :

ORAL ORDER:

None appeared on behalf of the respondent University, though a counter affidavit has been filed on their behalf.

In the instant writ petition, the petitioner has questioned the Circular dated 13-4-1995 whereby applications have been invited for appointment to the post of Assistant Public Relations Officer. The qualifications for the said post have been prescribed in the Circular. According to the petitioner, the same is illegal as, earlier a notification was published on 20-1-1994 calling for applications for the same post. The petitioner applied for the post and was also called for interview which was conducted on 20-6-1994. According to the petitioner, a panel was prepared by the selection committee on the same day and was also submitted to the Vice-Chancellor. However, no orders of appointment were issued pursuant to the said panel. It is the further case of the petitioner that his name is figured in the panel as first and, therefore, he must be appointed as Assistant Public Relations Officer. According to the petitioner, the second notification has been issued calling for applications for the same post only to prevent the petitioner from being appointed in the post. An allegation has also been made that the respondent University wants to appoint “Minister’s candidate” and, therefore, the impugned notification is issued by reducing the qualifications.

In the counter affidavit, it is stated that in the first notification, the qualification prescribed was a post-graduate degree. But consequently, no action was taken to conduct interviews and make appointment in pursuance of the said Circular dated 13-1-1988. Subsequently, by resolution of the Board of Management of the University dated 4-11-1993 revised qualifications were prescribed and the Notification dated 20-1-1994 was issued. However, while issuing the said notification, in addition to the qualifications prescribed by the Board of Management, certain additional qualifications as per the orders of the Vice-Chancellor dated 7-1-1994, were also incorporated. The said notification was not published in newspapers, but was circulated internally in the University besides sending to the Employment Exchange and other Universities. As regards the proceedings of the

selection committee, it is admitted that interviews were conducted on 20-6-1994, but the minutes of the recommendations were not given and thus the University is not aware of the recommendations made by the selection committee.

With respect to the impugned Circular dated 13-4-1995 inviting applications, the case of the respondent University appears to be that the same was issued in supersession of the previous Notification dated 20-1-1994. It is further stated that the Executive Council of the University confirmed the qualifications in the resolution dated 4-11-1993 and further resolved that the post be advertised in newspapers in cancellation of the previous notifications/circulars. It is in these circumstances that even the impugned Circular dated 13-4-1995 is no longer subsisting and in supersession thereof, another Circular dated 13-11-1995 was issued. It is thus the case of the respondent that the instant writ petition filed questioning the Circular dated 13-4-1995 is itself rendered infructuous.

As to the challenge of the petitioner to the impugned Circular dated 13-4-1995, it is seen that nothing has been brought on record to substantiate the allegations that the earlier selection was cancelled only with a view to accommodate the Minister's candidate. The said allegation is made without impleading either the Minister or the candidate as party to the writ petition. Also, the source of knowledge or information based whereupon the said allegations have been made is absent.

The contention that the petitioner was duly selected and figured in the panel as first is also un-substantiated. The source of knowledge for making the said allegation has not been stated. It is also not clear wherefrom the petitioner got the information that he was selected at the said interview.

In my view, therefore, no case has been made out for granting the relief as prayed for. This is apart from the question that the impugned notification, which was merely circulated but not advertised and for that reason, which appears to be a valid reason, has been superseded by a subsequent notification rendering the writ petition itself as infructuous.

In the result, the writ petition is liable to be and is accordingly dismissed. No order as to costs.

3rd March 2005. (M.H.S.ANSARI,J.)

ARS

To

1.The Registrar, Sri Venkateswara University, Tirupati, Chittoor Dist.
2. Two CD copies.